

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**MARY KAY BLEVINS,** :

**Plaintiff** : **CIVIL ACTION NO. 1:20-072**

**v.** : **(JUDGE MANNION)**

**ANDREW SAUL,** :

**Defendant** :

**MEMORANDUM**

Pending before the court is the report of Magistrate Judge Gerald B. Cohn filed on February 4, 2021, which recommends that the plaintiff's appeal of the final decision of the Commissioner denying her claim for disability insurance benefits under Title II of the Social Security Act be granted and, that the Commissioner's decision be vacated. Judge Cohn also recommends that this case be remanded to the Commissioner to develop the record fully, conduct a new administrative hearing and appropriately evaluate the evidence. (Doc. 15). Plaintiff's appeal of the Commissioner's decision is filed pursuant to 42 U.S.C. §405(g). (Doc. 1). To date, neither the plaintiff nor the Commissioner have filed any objections to the report and the time within which to do so has expired.

Where no objection is made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed.R.Civ.P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every Report and Recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

The court has reviewed the reasons presented by Judge Cohn for recommending that the plaintiff's appeal be granted and, that the denial of her application for benefits be vacated and the case be remanded to the Commissioner for further proceedings. Because the court agrees with the sound reasoning that led Judge Cohn to the conclusions in his report and finds no clear error on the face of the record, the court will adopt the report in its entirety. An appropriate order shall issue.

*s/ Malachy E. Mannion*  
**MALACHY E. MANNION**  
**United States District Judge**

**DATE: February 23, 2021**

20-072-01